

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**WILLIAM A. TACCINO,**

Plaintiff,

v.

**CIVIL ACTION NO.: 3:16-CV-164  
(GROH)**

**PATRICK MORRISEY, SUE ROBEY,  
J. COURRIER, JOE E. MILLER,  
JAMES DAVIS, TROOPER JOHN  
DROPPLEMAN, NELSON MICHAEL,  
MICHAEL SHAY, KEITH BRADSHAW,  
BRIDGETTE COHEE, TRACEY B.  
EBERLING, JASON P. FOSTER,  
and RALPH BRADY,**

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation ("R&R") of United States Magistrate Judge Robert W. Trumble. Pursuant to this Court's Local Rules, this action was referred to Magistrate Judge Trumble for submission of an R&R. Magistrate Judge Trumble issued his R&R [ECF No. 9] on February 8, 2017. In the R&R, he recommends that the Plaintiff's 42 U.S.C. § 1983 Complaint [ECF No. 1] be dismissed with prejudice. For the reasons set forth below, the court **ADOPTS** Magistrate Judge Trumble's R&R and **DENIES** the Plaintiff's motions for leave to proceed in forma pauperis [ECF No. 2] and to change venue [ECF No. 6]. The Court **DISMISSES** Counts One through Thirteen of the complaint **WITH PREJUDICE**.

Objections to Magistrate Judge Trumble's R&R were due within fourteen days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). Service was accepted at 402 Pine Avenue in Cumberland, Maryland, on February 13, 2017, and the Plaintiff timely filed arguments in opposition thereto. The Court is aware of the Plaintiff's *pro se* status. *Pro se* pleadings are held to less stringent standards than those drafted by licensed attorneys. See Gordon v. Leeke, 574 F.2d 1147, 1151 (4th Cir. 1978). Accordingly, although the Court construes liberally the Plaintiff's arguments in opposition to the R&R, it will not create objections where none exist.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, objections to a magistrate judge's R&R must be specific. See Orpiano v. Johnson, 687 F.2d 44, 48 (4th Cir. 1982); see also Parker v. Comm'r of Soc. Sec., No. 4:11cv00030, 2012 WL 1356593, at \*3 (W. D. Va. Apr. 19, 2012). General objections or mere reiterations of arguments already presented to the magistrate judge "have the same effect as a failure to object," and thus do not warrant *de novo* review. Parker, 2012 WL 1356593, at \*3 (internal quotations and citation omitted); see also United States v. Midgette, 478 F.3d 616, 621-22 (4th Cir. 2007); Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003). The Court will review the portions of the R&R to which "general and conclusory" objections have been made for clear error. McGhee v. Colvin, 6:14-cv-02644-JMC, 2015 WL 5707866, at \*1 (Sept. 25, 2015) (internal quotations and citation omitted).

The Plaintiff's only discernible objection is with regard to suing the Defendants "in name, not official capacity." See ECF No. 12 at 2. However, the only portion of the R&R


that relies on qualified immunity applies to Defendant Morrissey, who has been voluntarily dismissed by the Plaintiff.<sup>1</sup> Thus, the Plaintiff's objection is **OVERRULED AS MOOT**.

The remaining portions of the Plaintiff's arguments are, in some form, general objections and reiterations of claims or factual scenarios already presented. Thus, in the absence of specific objections to the R&R, this Court is not required to provide an explanation for adopting the recommendation. See McGhee, 2015 WL 5707866, at \*2.

Therefore, upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 9] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Accordingly, the Court **DENIES** the Plaintiff's motions for leave to proceed in forma pauperis [ECF No. 2] and to change venue [ECF No. 6], and **DISMISSES** Counts One through Thirteen of the complaint **WITH PREJUDICE**.

The Clerk is **DIRECTED** to strike this matter from the Court's active docket, enter a separate judgment in favor of the Defendants, and transmit a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested, to his last known address as shown on the docket.

**DATED:** March 21, 2017

  
GINA M. GROH  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> More specifically, the Plaintiff dismissed Defendants Patrick Morrissey, Sue Robey, Joe E. Miller, Bridgette Cohee, Tracey B. Eberling and Jason P. Foster in his objections to the R&R. See ECF No. 12 at 3-4.